

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAY 27 AM 11:46

UNITED STATES OF AMERICA,

Plaintiff,

v.

Joaquin Octavio GUDINO-Manzo,

Defendant

Magistrate Docket No.

'08 MJ 1649

COMPLAINT FOR VIOLATION OF:


Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **May 24, 2008** within the Southern District of California, defendant, **Joaquin Octavio GUDINO-Manzo**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT

Ismael A. Canto  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF MAY 2008

  
Jan M. Adler  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Joaquin Octavio GUDINO-Manzo**

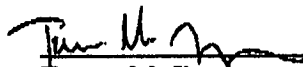
**PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

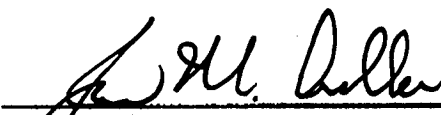
On May 24, 2008, at approximately 1:15 a.m., Border Patrol Agent H. Perez was assigned to the Chula Vista Area of Responsibility. Agent Perez was alerted by Scope Operator, Border Patrol Agent C. Loy of four individuals walking west near an area known to Border Patrol Agents as "CHP Lot". This area is located approximately two miles east of the Otay Mesa, California Port of Entry and approximately 500 yards north of the United States/Mexico international boundary. After arriving in the area, Agent Perez encountered a group of four individuals hiding in some heavy brush. Agent Perez identified himself as a United States Border Patrol Agent and questioned the group as to their citizenship and nationality. They all then responded "Mexico," including one later identified as the defendant **Joaquin Octavio GUDINO-Manzo**. Agent Perez then questioned the group to see if they had any immigration documents that would allow them to be or remain in the United States legally. They all responded "No." At approximately 1:45 a.m., Agent Perez placed the group under arrest and had them transported to the Chula Vista Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on February 9, 2008 through SanYsidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on May 25, 2008 at 9:30 a.m..

  
Tomas M. Jimenez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **May 24, 2008**, in violation of Title 8, United States Code, Section 1326.

  
Jan M. Adler  
United States Magistrate Judge

5/25/08 @ 9:57 a.m.  
Date/Time